UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:12-cy-00244-MOC

LUTHER JENKINS IV,)
Petitioner,))
Vs.)) ORDER
UNITED STATES OF AMERICA,)
Respondent.	<i>)</i>)

THIS MATTER is before the court on petitioner's Memorandum of Support Under Motion 21 U.S.C. § 2255(h) (#20). Such memorandum comes more than a year after this court entered its Judgment (#7) dismissing this civil action and nearly seven months after the Court of Appeals for the Fourth Circuit dismissed petitioner's appeal (#17). Petitioner is advised that this action is closed, that the Judgment in this matter is now final, and that filing of additional pleadings is to no avail. Having considered petitioner's memorandum and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that petitioner's Memorandum of Support Under Motion 21 U.S.C. § 2255(h) (#20), to the extent petitioner seeks relief in such memorandum, is DENIED as moot as this action has been terminated and the Judgment is now final.

DENIAL OF CERTIFICATE OF APPEALABILITY

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this court declines to issue a certificate of appealability as petitioner has not made a substantial showing of a denial of a constitutional right in the Memorandum. 28 U.S.C. § 2253(c)(2); Miller -El v. Cockrell, 537

U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484–85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

Signed: 1/29/2014

Max O. Cogburn Jr.

United States District Judge